

REMARKS

Claims 19-21 are pending in the application. Reconsideration of the pending rejections, and favorable allowance for each of claims 19-21 in light of the remarks below are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 19-21 are rejected under 35 USC § 102(e) as being anticipated by Burgess (U.S. Publication 2002/0128033). Applicants respectfully traverse this rejection.

The Examiner alleges that Burgess, under the benefit as a continuation-in-part of its parent application Nelson et al. (U.S. Patent 6,018,232), discloses all of the features of claims 19-21. Applicants respectfully disagree.

In order for subject matter within a continuation-in-part application to benefit from the earlier filing date of its parent application, the parent application must fully disclose that subject matter. The Examiner relies on Figures 1b and 3a-3b of Burgess and associated description to reject claims 19-21. However, Nelson does not offer support for this subject matter. Applicants respectfully submit that Nelson does not contain any subject matter disclosing Figures 1b and 3a-3b of Burgess, or any subject matter relating to the subject application.

Moreover, Nelson is directed to improving battery life in a portable computing device, and has little if anything to do with the disclosure of Burgess. Furthermore, Nelson does not disclose or suggest, *inter alia*, “[a] method of performing an action on wireless calls” as recited in independent claim 19, or any of the features of claims 19-21. As such, Nelson does not support the subject matter relied upon by the Examiner in the pending rejections.

Therefore, Burgess cannot benefit from the earlier filing date of Nelson, and cannot be considered prior art under 35 U.S.C. § 102. Accordingly, Applicants respectfully request the Examiner withdraw this art grounds of rejection.

CONCLUSION

Reconsideration and favorable allowance in light of Applicants' remarks made above are solicited for claims 19-21.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

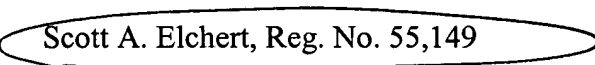
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By:  55,149
Gary D. Yacura, Reg. No. 35,416


Scott A. Elchert, Reg. No. 55,149

P.O. Box 8910
Reston, VA 20195
(703) 668-8000

GDY/SAE/JRS/aeh